

EXHIBIT A

**SUBMITTED UNDER SEAL
PURSUANT TO THE
PROTECTIVE ORDER**

EXHIBIT B

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p>1 understand what we're trying to do here, as an economist, 2 okay, I know the law can differ on this, but as an 3 economist, you know, I think what you're going to do is 4 say -- you know, try to get rid of the lock-in and 5 therefore try to look at a time before there was any 10:16:30 6 lock-in, whatever the cause of that lock-in was. 7 But here, I mean, I think the point was they 8 started working on, again, the Dalvik virtual machine, I 9 think at the -- you know, late 2005, somewhere in there, 10 or at least they were beginning work on it. 10:16:43 11 And so if you put the hypothetical 12 negotiation at that point, you know, then they weren't 13 obviously locked into that yet, I don't believe. I don't 14 see any evidence that they were. 15 Q. Is there a point in time at which you believe 10:17:03 16 Google was substantially locked into the Dalvik virtual 17 machine? 18 A. Well, again, I think the closer you get to 19 the date where they're commercializing the product, you 20 know, the more difficult and costly it would be to 10:17:26 21 switch. As I recall -- I'm just looking at my report 22 to -- yeah, I mean, as I remember, you know, they were -- 23 they indicated to me that, you know, you need to develop 24 some tools and other things to go along with that. 25 So there would be the incremental cost of 10:17:54</p> <p style="text-align: right;">54</p>	<p>1 and that was basically the specific question I asked. So 2 I don't think that there was any significant lock-in at 3 that point. 4 Q. Now, how much work had they done on the 5 Dalvik virtual machine by, say, November 2005? 10:19:21 6 A. You know, I think they had done some, but 7 not -- you know, not a huge amount, especially with 8 regard to the patents-in-suit. You know, I think the 9 earliest date that they indicated that they were working 10 on the parts of the Dalvik VM that related to the 10:19:36 11 patents-in-suit, yeah, it was late 2005. 12 It's hard to put an exact date on it, but 13 that's the -- that's the time when they started. You 14 know, and that was the 20 -- sorry, the '702 patent. And 15 the '104 patent was early 2006. 10:19:54 16 So it's kind of -- you know, I think that's 17 the time frame when they're really starting to get going. 18 Q. Now, in giving those dates, you're referring 19 to pages 9 and 10 of your report; is that right? 20 A. Yes. 10:20:09 21 Q. And on those two pages, you have the 22 approximate dates of the first alleged use of the 23 patents-in-suit; is that right? 24 A. Yes. 25 Q. What's the source of the information? That 10:20:18</p> <p style="text-align: right;">56</p>
<p>1 doing that, and there would be some time involved in 2 that. You know, again, if -- I think if you're six 3 months away from launch, it would have been a bit tough, 4 but I'm not sure because I haven't, you know, asked them 5 what they -- at that point, they would have been able to 10:18:09 6 do and how much it would have cost. 7 So I would think my answer is really the 8 same. I'd need to talk to them about that specific 9 question. 10 Q. Are you aware of any evidence of lock-in with 10:18:19 11 respect to the Dalvik virtual machine in -- as early as 12 2006? 13 A. Sorry, early 2006? 14 Q. As early as any time in 2006. 15 A. You know, there it's still fairly early on. 10:18:36 16 I don't really recall anything one way or the other, and 17 again, I didn't really ask the questions at that point 18 that one would -- that specific question so that I'd be 19 able to answer that. I'd need to have more information, 20 I think. 10:18:55 21 Q. What about 2005; have you seen any evidence 22 that there was lock-in with respect to the Dalvik virtual 23 machine in 2005? 24 A. Well, I don't think they had done significant 25 work at that point on the Dalvik virtual machine so -- 10:19:07</p> <p style="text-align: right;">55</p>	<p>1 is, what is the source of the dates that appear that 2 correspond to each of the patents? 3 A. Well, the ultimate source is really Dan 4 Bornstein. I say, you know, the sentence up there, "I 5 understand that," you know, and that's sort of to 10:20:38 6 indicate that that's something that I was -- I was told. 7 Q. I'm sorry, what are you reading that says "I 8 understand that"? 9 A. "I understand that Google," it's like two 10 sentences -- sorry, three sentences above the -- the 10:20:52 11 listing of the dates. 12 Q. The sentence that reads: "I understand that 13 Google first allegedly used each of the claimed 14 technologies," et cetera? 15 A. Yes. 10:21:03 16 Q. All right. And for each of these patents, 17 the date was provided to you by Mr. Bornstein? 18 A. Yes. 19 Q. Did you ask anyone other than Mr. Bornstein 20 for information on when the patents were first used? 10:21:16 21 A. We may have asked Mr. Rubin about that, but I 22 think he deferred to Mr. Bornstein on that question. 23 Q. And is this a conversation that you yourself 24 had with Mr. Bornstein? 25 A. Yes. 10:21:34</p> <p style="text-align: right;">57</p>

1 I declare under the penalty of perjury
2 under the laws of the State of California that the
3 foregoing is true and correct.

4 Executed on December 1, 2011,
5 at San Francisco, California.

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12 SIGNATURE OF THE WITNESS
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HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

340

1 STATE OF CALIFORNIA) ss:

2 COUNTY OF MARIN)

3

4 I, LESLIE ROCKWOOD, CSR No. 3462, do hereby
5 certify:

6 That the foregoing deposition testimony was
7 taken before me at the time and place therein set forth
8 and at which time the witness was administered the oath;

9 That testimony of the witness and all
10 objections made by counsel at the time of the examination
11 were recorded stenographically by me, and were thereafter
12 transcribed under my direction and supervision, and that
13 the foregoing pages contain a full, true and accurate
14 record of all proceedings and testimony to the best of my
15 skill and ability.

16 I further certify that I am neither counsel
17 for any party to said action, nor am I related to any
18 party to said action, nor am I in any way interested in
19 the outcome thereof.

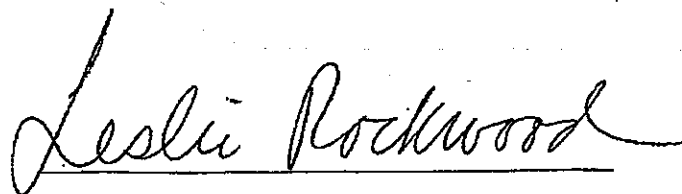
20 IN WITNESS WHEREOF, I have subscribed my name
21 this 29th day of October, 2011.

22

23

24

25



LESLIE ROCKWOOD, CSR. NO. 3462

EXHIBIT C

**SUBMITTED UNDER SEAL
PURSUANT TO THE
PROTECTIVE ORDER**

EXHIBIT D

**SUBMITTED UNDER SEAL
PURSUANT TO THE
PROTECTIVE ORDER**

EXHIBIT E

**SUBMITTED UNDER SEAL
PURSUANT TO THE
PROTECTIVE ORDER**

EXHIBIT F

PUBLIC REDACTED VERSION

ORACLE AMERICA, INC.,)

 Plaintiff,)

 vs.) No. CV 10-03561

GOOGLE, INC.,)


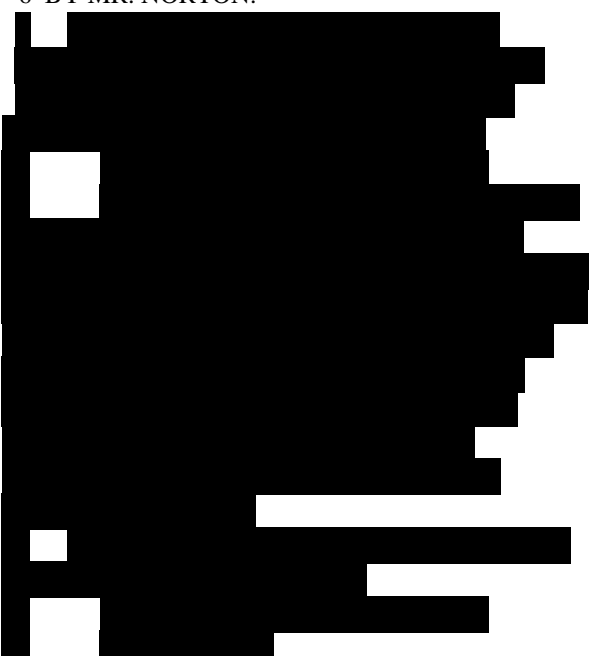
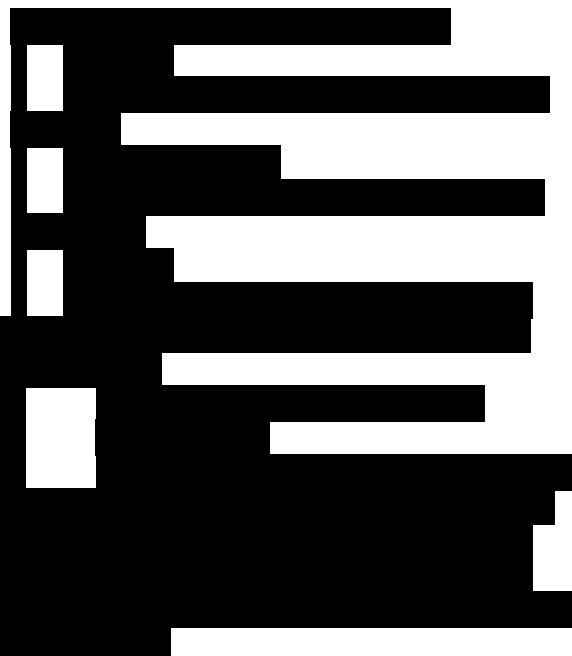
 Defendant.)

Videotaped Deposition of TIM LINDHOLM, taken
at 333 Twin Dolphin Drive, Redwood Shores,
California, commencing at 9:56 a.m., Wednesday,
September 7, 2011, before Ashley Soevyn,
CSR No. 12019.

Page 1

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<p>1 has a personal counsel as well. 2 THE WITNESS: Should I repeat that? 3 MR. NORTON: I would like the witness to 4 answer the questions. 5 THE WITNESS: Okay, yes, Ms. Anderson is 6 my -- is my -- is counsel for Google, and Michael is 7 my personal lawyer. 8 MR. NORTON: Thank you. 9 Q. And is Google paying for your personal 10 lawyer? 11 MS. ANDERSON: Objection to the extent 12 responding to this question would require you to 13 reveal information you only know through 14 communications with counsel, I instruct you not to 15 answer on the grounds of privilege. Otherwise, you 16 may answer. 17 THE WITNESS: I only know anything about 18 that through communication with my attorneys. 19 MR. NORTON: I don't think that's a proper 20 instruction objection, and I'm not going to take up 21 limited time with that today. 22 Q. Mr. Lindholm, you began working at Sun 23 Microsystems in March 2004; is that right? 24 A. March 200- at Sun Microsystems? No, I 25 think it was 1994.</p> <p style="text-align: right;">Page 6</p>	<p>1 MS. ANDERSON: Objection, form. 2 THE WITNESS: It's a fairly long list. But 3 to start with, I initially worked on -- in the 4 original Java team, which was involving the original 5 creation of the Java platform. I continued working 6 on that for a number of years, and then at some 7 point, switched over as Java -- as the Java plat- 8 --the original technology was broken up into various 9 subplatforms that are today known as the editions, 10 typically. I began to work more on the edition 11 being used for mobile and embedded software. 12 BY MR. NORTON: 13 Q. And is there a name for the edition for 14 mobile embedded software? 15 A. Yes, typically, Sun would have -- Sun and 16 Oracle and the public would know this as Java Micro 17 Edition. 18 Q. It was called Java ME, or Java 2 ME? 19 A. Yeah, it's gone through various -- it went 20 through various abbreviations over time and the "2" 21 was eventually removed. So I think today, as far as 22 I know, it's Java -- or JME. 23 Q. One of the aspects of Java that you worked 24 on was the Java Virtual Machine; is that correct? 25 A. That's correct.</p> <p style="text-align: right;">Page 8</p>
<p>1 Q. I beg your pardon, 1994. Thank you. 2 A. And March sounds approximately correct. It 3 was a long time ago, but I'm not sure that I'm 4 accurate about that. 5 Q. But the year was 1994; is that right? 6 A. I think that's correct. 7 Q. And you continued to work at Sun until what 8 year? 9 A. I believe I went from Sun to Google in 10 2005. 11 Q. Around July of 2005; is that correct? 12 A. That's my recollection yes. 13 Q. And during the time that you were at Sun, 14 did you work on Java? 15 MS. ANDERSON: Objection, form. 16 MR. LISI: Join. 17 THE WITNESS: During the time I was -- 18 well, so Java consisted of many things. There were 19 parts of Java -- parts of the Java technologies that 20 I did work on during that time. I did not work on 21 all aspects of Java, just selected ones. 22 BY MR. NORTON: 23 Q. Can you briefly summarize for me the 24 aspects of Java on which you worked during ten years 25 you were employed at Sun Microsystems?</p> <p style="text-align: right;">Page 7</p>	<p>1 Q. What is the Java Virtual Machine? 2 MS. ANDERSON: Objection, form. 3 THE WITNESS: Well, so, first off, it's a 4 virtual machine, you wouldn't be surprised by. It's 5 the virtual machine that was used by Sun to run the 6 Java programming language on. I'm not sure how 7 deeply you would like me to go into this. 8 BY MR. NORTON: 9 Q. Well, can you describe for me, in brief 10 form, in two sentences, what, in essence, does the 11 Java Virtual Machine do? 12 MS. ANDERSON: Objection, form. 13 THE WITNESS: Well, I would rather say -- I 14 would rather start with saying what a virtual 15 machine does. 16 BY MR. NORTON: 17 Q. That's fine. Why don't you do that 18 first? 19 A. Okay. A virtual machine is -- is a general 20 concept in computer science in many virtual machines 21 that existed over time. It's typically -- I don't 22 know if there is a crisp, formal definition that 23 people in the field would uniformly agree is the 24 valid one, but in a general sense, a virtual machine 25 is typically described as an abstract computing</p> <p style="text-align: right;">Page 9</p>

<p>1 machine that will typically include some sort of</p> <p>2 instruction set that is intended to be -- well, is</p> <p>3 typically implemented as a software program.</p> <p>4 This is -- I'm meaning to draw the</p> <p>5 distinction with a concrete machine, a concrete</p> <p>6 processor, such as, say, an Intel chip. An Intel</p> <p>7 central processing unit chip will, itself, have a</p> <p>8 set of instructions, but those instructions and the</p> <p>9 other aspects of the design of that chip are</p> <p>10 intended to be -- are typically intended to be</p> <p>11 implemented in silicon --</p> <p>12 THE REPORTER: In what?</p> <p>13 THE WITNESS: In silicon as hardware.</p> <p>14 So a lot of -- there is a bit of a gray</p> <p>15 area here in that it would be perfectly reasonable</p> <p>16 for me to do a software implementation of an Intel</p> <p>17 instruction set and to emulate the Intel instruction</p> <p>18 set. In fact, various -- various companies have</p> <p>19 done that sort of thing is my general understanding.</p> <p>20 For instance, when Apple transitioned from</p> <p>21 the Power PC platform to the Intel platform, I think</p> <p>22 that they did an emulator for the Power PC platform</p> <p>23 so that people who had old applications that were</p> <p>24 compiled to the Power PC, could be run on the now</p> <p>25 Intel-based, new Macintoshes.</p> <p style="text-align: right;">Page 10</p>	 <p style="text-align: right;">Page 12</p>
<p>1 So to get back to the start, a virtual</p> <p>2 machine is an abstract machine typically meant to be</p> <p>3 implemented in software versus in silicon or</p> <p>4 hardware, like a processing processor specification</p> <p>5 that is in silicon.</p> <p>6 BY MR. NORTON:</p>  <p style="text-align: right;">Page 11</p>	 <p>20 BY MR. NORTON:</p> <p>21 Q. And you are the coauthor of the book, "The</p> <p>22 Java Virtual Machine Specifications"; is that</p> <p>23 correct?</p> <p>24 A. That's correct.</p> <p>25 Q. And what is the purpose for which the Java</p> <p style="text-align: right;">Page 13</p>

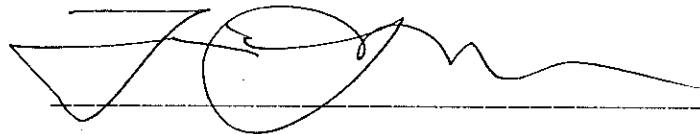
Highly Confidential - Attorneys' Eyes Only

<p>1 Virtual Machine specification is used?</p> <p>2 MS. ANDERSON: Objection, form.</p> <p>3 MR. LISI: Join.</p> <p>4 THE WITNESS: Well, it's used for a number</p> <p>5 of purposes. It -- it was intended to be -- it was</p> <p>6 intended to be the definitive statement of what the</p> <p>7 Java Virtual Machine -- definitive definition of the</p> <p>8 Java Virtual Machine. It was also used by people</p> <p>9 who wanted to implement Java Virtual Machines or who</p> <p>10 wanted to -- certainly, in the early days, people</p> <p>11 were just very interested in Java technology. And a</p> <p>12 lot of people wanted to read the virtual machine</p> <p>13 specification just to understand how Java technology</p> <p>14 worked. So it had quite a number of intents, and</p> <p>15 I'm sure people use it for other purposes, too.</p> <p>16 Q. Your coauthor on the Java Virtual Machine</p> <p>17 Specification was Frank Yellin; is that correct?</p> <p>18 A. That's correct.</p> <p>19 Q. And Mr. Yellin is also employed by Google;</p> <p>20 is that correct?</p> <p>21 A. As far as I know, he was when I last talked</p> <p>22 to him.</p> <p>23 Q. You were a key contributor to the Java</p> <p>24 programming language, correct?</p> <p>25 MS. ANDERSON: Objection, form.</p> <p style="text-align: right;">Page 14</p>	<p>1 MR. NORTON: Let's mark our first exhibit</p> <p>2 of the day, which will be Plaintiff's Exhibit 524.</p> <p>3 I will hand that to you, Mr. Lindholm. I have</p> <p>4 copies for counsel.</p> <p>5 (Exhibit 524 marked for identification.)</p> <p>6 MS. ANDERSON: Thank you.</p> <p>7 BY MR. NORTON:</p> <p>8 Q. Mr. Lindholm, have you ever seen that</p> <p>9 before?</p> <p>10 A. Yes, I have.</p> <p>11 Q. Is that a website biography of you?</p> <p>12 A. I believe that it is.</p> <p>13 Q. Did you write it?</p> <p>14 A. I think that originally I did not write it.</p> <p>15 I might have commented on it, but -- well, I do not</p> <p>16 believe I originally wrote it.</p> <p>17 Q. But you did comment on it?</p> <p>18 A. I had seen it, yes.</p> <p>19 Q. Did you see it before it was published,</p> <p>20 that is, posted on the Internet?</p> <p>21 A. I don't remember. This was -- this was</p> <p>22 originally written quite some time ago.</p> <p>23 Q. And have you seen it on the Internet?</p> <p>24 A. Yes, I think I have.</p> <p>25 Q. Did you ask anybody to change anything in</p> <p style="text-align: right;">Page 16</p>
<p>1 MR. LISI: Join.</p> <p>2 THE WITNESS: I don't think I would call</p> <p>3 myself a key contributor to the Java programming</p> <p>4 language. I contributed some things, but there were</p> <p>5 certainly quite a few people who did much more than</p> <p>6 that I did. I was more focused on the virtual</p> <p>7 machine.</p> <p>8 BY MR. NORTON:</p> <p>9 Q. You were a key contributor to the Java</p> <p>10 Runtime, correct?</p> <p>11 MS. ANDERSON: Objection, form.</p> <p>12 MR. LISI: Join.</p> <p>13 THE WITNESS: The virtual machine is part</p> <p>14 of the Java Runtime, so -- so at least by that,</p> <p>15 yes.</p> <p>16 BY MR. NORTON:</p> <p>17 Q. And you were an original member of the Java</p> <p>18 technology project at Sun, correct?</p> <p>19 A. Well, yes, I'm not sure if in some official</p> <p>20 sense there was a Java technology project. Various</p> <p>21 people used various things to say that they were</p> <p>22 there at the beginning when Java, as it became known</p> <p>23 to the public, what was done. So, you know, I --</p> <p>24 what that says is I was present -- I was in the team</p> <p>25 in '94, '95.</p> <p style="text-align: right;">Page 15</p>	<p>1 the website bio in Exhibit 524?</p> <p>2 A. I don't remember. I don't recall. I think</p> <p>3 that -- I think that there were -- I think that in</p> <p>4 the past, whether it was -- I think that in the past</p> <p>5 I have asked people to change -- I think I have</p> <p>6 asked something to be changed in here, but I don't</p> <p>7 really remember what or what the context of that</p> <p>8 was.</p> <p>9 Q. You'll see that in the second paragraph of</p> <p>10 the biography it states, "Prior to Google, Tim was</p> <p>11 an original member of the Java technology project at</p> <p>12 Sun Microsystems and a key contributor to the Java</p> <p>13 programming language and Runtime, both definition</p> <p>14 and implementation." Do you see that?</p> <p>15 A. I do see that.</p> <p>16 Q. That was part of the bio that you'd seen</p> <p>17 before?</p> <p>18 MS. ANDERSON: Objection, form.</p> <p>19 THE WITNESS: I don't know. This wasn't</p> <p>20 something that I've spent a lot of time worrying</p> <p>21 about. This is a small -- this was something that</p> <p>22 somebody else wanted to put up about me, and I</p> <p>23 said -- kind of said, "Okay."</p> <p>24 BY MR. NORTON:</p> <p>25 Q. You haven't changed it, have you?</p> <p style="text-align: right;">Page 17</p>

Highly Confidential - Attorneys' Eyes Only

1 I declare under penalty of perjury under the
2 laws of the State of California that the foregoing
3 is true and correct.

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5 Executed on October 18, 2011,
6 at Mountain View, California.

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10 A handwritten signature in black ink, appearing to read 'Tim Lindholm', is written over a horizontal line. The signature is stylized with a large loop and a trailing flourish.

11 TIM LINDHOLM
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1 STATE OF CALIFORNIA) ss:

2 COUNTY OF MARIN)

3 I, ASHLEY SOEVYN, CSR No. 12019, do hereby
4 certify:

5 That the foregoing deposition testimony was
6 taken before me at the time and place therein set
7 forth and at which time the witness was administered
8 the oath;

9 That the testimony of the witness and all
10 objections made by counsel at the time of the
11 examination were recorded stenographically by me,
12 and were thereafter transcribed under my direction
13 and supervision, and that the foregoing pages
14 contain a full, true and accurate record of all
15 proceedings and testimony to the best of my skill
16 and ability.

17 I further certify that I am neither counsel for
18 any party to said action, nor am I related to any
19 party to said action, nor am I in any way interested
20 in the outcome thereof.

21 IN THE WITNESS WHEREOF, I have transcribed my
22 name this 8th day of September, 2011.


23
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25 
ASHLEY SOEVYN, CSR 12019

EXHIBIT G

**SUBMITTED UNDER SEAL
PURSUANT TO THE
PROTECTIVE ORDER**

EXHIBIT H

PUBLIC REDACTED VERSION

**Contact Report**

Leo Cizel, Oracle Corp.

475 Sansome St.

15th Floor

San Francisco, CA 94111

Contact

Company Google, Inc.

Address 1 1600 Amphitheatre Pkwy

Contact Andy Rubin

Address 2

Title VP, Android Project

Address 3

Phone [REDACTED]

Ext.

City Mountain View

Fax

State CA

Zip 94043

Salutation Andy

Country

User Fields

User 1

User 9

User 2

User 10

User 3

User 11

User 4

User 12

User 5

User 13

User 6

User 14

User 7

User 15

User 8

Home/Phone

Alt Phone

Ext.

Home Address 1

Mobile Phone [REDACTED]

Home Address 2

Pager

Home City

Home Phone

Home State

Home Zip

E-mail Address arubin@google.com

Home Country

Alt. Contacts

Assistant Tracey Cole (tcole@...)

3rd Contact Dan Boornstein

Asst. Title Admin. Assist.

3rd Title VM Architec;

2nd Contact Brian Swetland

Spouse

Asst. Phone [REDACTED]

Ext.

3rd Phone

Ext.

2nd Title Lead VM Architect

Referred By

2nd Phone

Ext.

Web Site

Status

Last Reach

ID/Status

Last Meeting

Last Results

Last Attempt

Public/Private Public

Notes/History

Date Range: All Dates

Note

11/12/07

5:44 PM

Google today released the Android S/W SDK.

Note

5/26/06

7:53 PM

After many meetings incl. Alan Brenner, it was agreed that the two companies cannot come to a meeting of minds on how to work together re CDC-HI and open source.

Note

8/19/05

7:52 PM

Andy is interested in CDC-HI for wireless devices.

Note

8/5/05

10:45 PM

Andy informed me today that the co. by which Android Research was acquired was Google. Vineet and I w/meet w/Andy and Tim Lindholm at on Fri. 8/19 at Google.

Created 2/26/2011 at 11:34 AM

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**TRIAL EXHIBIT 2720**

CASE NO. 10-03561 WHA

DATE ENTERED _____

BY _____

DEPUTY CLERK

EXHIBIT I

**SUBMITTED UNDER SEAL
PURSUANT TO THE
PROTECTIVE ORDER**

EXHIBIT J

**SUBMITTED UNDER SEAL
PURSUANT TO THE
PROTECTIVE ORDER**

EXHIBIT K

**SUBMITTED UNDER SEAL
PURSUANT TO THE
PROTECTIVE ORDER**